



United States Department of the Interior
FISH AND WILDLIFE SERVICE

UTAH FIELD OFFICE
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WEST VALLEY CITY, UTAH 84119

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DIV. OF OIL, GAS & MINING

In Reply Refer To

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I-0135

February 28, 2006

Jerriann Ernstsens
Division of Oil, Gas, and Mining
1594 West North Temple, Suite 1210
P.O. Box 145801
Salt Lake City, Utah 84114-5801

RE: Informal Section 7 Endangered Species Consultation, Lila Canyon Extension,
UtahAmerican Energy Inc. (UEI), Horse Canyon Mine, C/007/0013

Dear Ms. Ernstsens:

The U.S. Fish and Wildlife Service (Service) has reviewed your letter of February 1, 2006. Potential impacts to proposed or listed species from mining activities have been previously addressed in the Service's September 24, 1996 Biological Opinion and Conference Report on Surface Coal Mining and Reclamation Operations under the Surface Coal Mining and Reclamation Act of 1977. As part of the terms and conditions of this BO, the regulatory authority must implement and require compliance with any species-specific protective measures developed by the Service field office and the regulatory authority.

Protective measures for the Mexican spotted owl (MSO) are outlined in your February 1 letter and include:

Because suitable habitat for the MSO within the proposed permit area, UEI will conduct MSO surveys in accordance with USFWS protocol two years prior to reaching potential MSO habitat, in areas with the following factors; 1) areas identified by the 2000 Willey-Spotskey Canyon Habitat Model and supported by the Willey flyover results, and 2) areas classified as subsidence zones.

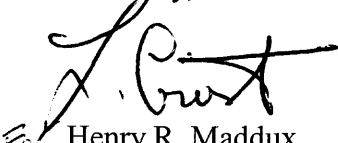
If the surveys indicate the presence of MSO in areas that may be subsided, the agencies will immediately coordinate to determine appropriate measures prior to mining in those areas.

Based on your commitment to implement the aforementioned protective measures, we concur with your "not likely to adversely affect" determination for the Mexican spotted owl. Should project plans change, or if additional information on the distribution of listed or proposed species becomes available, this determination may be reconsidered.

Only a Federal agency can enter into formal Endangered Species Act section 7 consultation with the Service. A Federal agency may designate a non-Federal representative to conduct informal consultation or prepare a biological assessment by giving written notice to the Service of such a designation. The ultimate responsibility for compliance with ESA section 7, however, remains with the Federal agency.

We appreciate your interest in conserving endangered species. If further assistance is needed or you have any questions, please contact Diana Whittington, at (801) 975-3330 extension 128.

Sincerely,


Henry R. Maddux
Utah Field Supervisor

cc: OSM - Denver (Attn: Ranvir Singh)
UDWR - Salt Lake City (Attn: Frank Howe)
USFS - Manti LaSal Supervisor's Office, Price (Attn: Terry Nelson)